

Appl. No. 10/773,608
Amdt. dated April 11, 2006
Reply to Office Action of 3/20/2006

PATENT

Amendments to the Drawings:

The attached sheets of drawings includes changes to Figs. 1A-4B. Theses sheets, which includes Figs. 1A-4B, replace the original sheets including Figs. 1A-4B.

Attachment: Replacement Sheets
Annotated Sheet Showing Changes

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REMARKS/ARGUMENTS

Response to Restriction Requirement

In response to the Restriction Requirement mailed March 20, 2006, Applicants elect, with traverse, the invention of Group I drawn to claims 1-80. Applicants respectfully submit that it would be no undue burden on the Examiner to also search the invention of Group II since the search for Group I, drawn to a device for knee surgery, would substantially overlap the search for Group II drawn to a method for facilitating a surgical procedure on the knee.

In response to the election of species requirement, Applicants, elect with traverse, Species 1 for initial examination. The claims which reads on Species 1 include claims 1-80. Applicants also identify claims 1 and 41 as generic.

The election of species requirement with regard to Species 1-3 is respectfully traversed on the basis that although the designated species may be patentably distinct they are not mutually exclusive. MPEP 806.04(f) specifies that "[c]laims to be restricted to different species must be mutually exclusive." (emphasis added) However, the species recited by the office action are not mutually exclusive. That is, no features in any of the identified figures is mutually exclusive with features in any of the other structures. Further, Applicants respectfully point out that per M.P.E.P. 809 02(a), if generic claims 1 and 41 are found to be allowable, then examination of all non-elected species claims will be necessary.

Formal Drawings

Applicants submit formal drawings for Figs 1A-4B at this time.

CONCLUSION

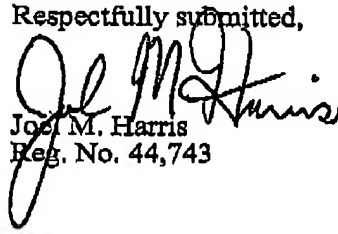
In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

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If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,


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Attachments
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